

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11803-MLW

**SHENIA DANCY-STEWART as
Administratrix of the Estate of
EVELINE BARROS-CEPEDA,
Plaintiff,**

v.

**THOMAS TAYLOR, Jr., and the
CITY OF BOSTON,
Defendants.**

PLAINTIFF'S EMERGENCY MOTION FOR CLARIFICATION

The Plaintiff requests that the Court order the defendants to respond to her Interrogatories to both defendants and to her Request for Production of Documents by the City of Boston within the thirty day time period prescribed by the Federal Rules of Civil Procedure. This request is presented on an emergency basis because the timetable for completion of discovery is too short for the plaintiff to wait for discovery that her counsel has been told will not be forthcoming without Court intervention.

The plaintiff has complied with the Court's Order to respond fully to all of the defendants' discovery requests by January 3rd, a daunting although deserved two week deadline. Having done so, the plaintiff immediately served her discovery requests upon the defendants since she was not free to do so until she had fully responded to the defendants' discovery

The defendants are refusing to respond to plaintiff's discovery requests because they say they believe that this discovery is now foreclosed as it was not discussed at the scheduling conference and not made a part of the Court's Order. The plaintiff believes that this position has been advanced in an attempt to avoid producing discovery that goes to the heart of plaintiff's allegations against them and will, in all likelihood, establish or greatly assist in establishing the City of Boston's separate liability and/or cause it great public embarrassment.

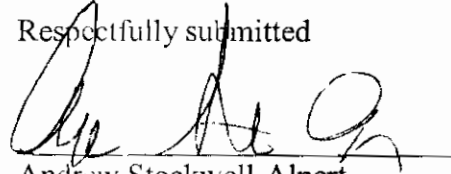
The requested discovery can be more easily produced by the defendants within thirty days than the discovery the Plaintiff was ordered to provide within two weeks.

The Plaintiff should not be foreclosed from obtaining discovery that is crucial to her case and not overly burdensome for the defendants by a tortured and narrow interpretation of its Order.

WHEREFORE, plaintiff requests that the Court now Order the defendants to respond to the plaintiff's discovery in full within thirty days from the date of its Order.

A PROMPT HEARING IS RESPECTFULLY REQUESTED.

Respectfully submitted



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